

REMARKS

In the Office Action mailed April 1, 2009, the Examiner objected to the specification at page 22, lines 15-35. Also, claims 33, 37, and 47 were rejected under 35 U.S.C. § 112, first paragraph; and claims 29-58 were rejected under 35 U.S.C. § 112, second paragraph. Claims 29, 36, 38, 42, and 58 were rejected under 35 U.S.C. § 102(e) or, "in the alternative," under 35 U.S.C. § 103(a) based on U.S. Pat. App. Pub. No. US 2004/0154727 to Weissert et al. ("Weissert"); claim 57 was rejected under 35 U.S.C. § 103(a) based on Weissert; claims 30-32, 34, 43-46, and 57 were rejected under 35 U.S.C. § 103(a) based on Weissert in combination with U.S. Patent No. 6,929,045 to Ogawa ("Ogawa"); claim 37 was rejected under 35 U.S.C. § 103(a) based on Weissert in combination with JP 07-195915 ("JP '915"); claim 48 was rejected under 35 U.S.C. § 103(a) based on Weissert in combination with Ogawa and JP '915; claims 29, 36, 39-42, 50-53, 56, and 57 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent No. 4,248,287 to Christman ("Christman"); claims 29-31, 35, 38, 42-45, 49, and 58 were rejected under 35 U.S.C. § 102(a) based on WO 02/094584 to Auxerre (purported to be equivalent to U.S. Pat. App. Pub. No. 2004/0154720 ("Auxerre")); claims 36, 39-41, and 50-53 were rejected under 35 U.S.C. § 103(a) based on Auxerre in combination with U.S. Patent No. 6,457,504 to Caretta ("Caretta '504") (assigned to Pirelli Pneumatici S.p.A.); claims 37 and 48 were rejected under 35 U.S.C. § 103(a) based on Auxerre in combination with JP '915; claims 54 and 55 were rejected under 35 U.S.C. § 103(a) based on Auxerre in combination with Caretta '504, Weissert, and U.S. Pat. App. Pub. No. US 2005/0076988 to Noto et al. ("Noto") (assigned to Pirelli

Pneumatici S.p.A.); claims 29, 36, 38, 39, 42, 50, 57, and 58 were rejected under 35 U.S.C. § 103(a) based on WO 00/26043 to Caretta ("Caretta") (assigned to Pirelli Pneumatici S.p.A.) in combination with Weissert and Christman; claims 40, 41, and 51-55 were rejected under 35 U.S.C. § 103(a) based on Caretta in combination with Weissert, Christman, and Noto; and claim 37 was rejected under 35 U.S.C. § 103(a) based on Caretta in combination with Weissert, Christman, and JP '915.

By this Amendment, Applicant has amended claims 29, 31-35, 37, 40-42, and 44-49 and cancelled claims 30, 39, 43, and 56. Upon entry of this Amendment, claims 29, 31-38, 40-42, 44-55, and 57-58 would be pending. The originally-filed specification and drawings fully support the amendments to claims 29, 31-35, 37, 40-42, and 44-49. Accordingly, no new matter has been introduced by this Reply.

Applicant traverses the rejections above and respectfully requests reconsideration for at least the reasons set forth below.

I. Objection to the Specification

The Examiner objected to the specification, noting that in lines 15-35 of page 22, reference numbers 12 and 13 were reversed with respect to the descriptions of Figs. 7 and 8. Office Action at 2. Applicant has amended the specification at lines 15-35 of page 22 and at lines 1-5 of page 23 in order to reverse reference numbers 12 and 13. In view of this, Applicant submits that the objection to the specification is moot, and respectfully requests the withdrawal of this objection.

II. Rejection of Claims 33, 37, and 47 under 35 U.S.C. § 112, First

Paragraph

With respect to the rejection of claims 33, 37, and 47 under 35 U.S.C. § 112, first paragraph, the Office Action alleges that those claims fail to comply with the written description requirement. Office Action at 2. With respect to claims 33 and 47, the Office Action alleges that claims 33 and 47 are inconsistent with the originally-filed application. Referring to Fig. 12 and page 21, lines 15-33, of the application, the Office Action alleges that “the original disclosure only discloses turning up the elongated elements around both the first and second bead cores in the context of an embodiment in which only a ‘fraction’ is turned up as required by claim 29.” Id. The Office Action further alleges that “assuming that claim 29 is to be read as requiring that only a fraction is turned up around a bead, then descriptive support is lacking for claim 33 where this fraction is turned up around two bead cores.” Id. With respect to the rejection of claim 37 under § 112, first paragraph, the Examiner alleges that “[t]he original disclosure does not . . . describe that only ‘at least two’ of [the turned up ends] lie in different planes.” Id. at 3. Although Applicant does not necessarily agree with the § 112, first paragraph rejections set forth in the Office Action, Applicant has amended claims 33, 37, and 47 to obviate these rejections and to expedite prosecution and allowance of this application. In view of these Amendments, Applicant submits that the § 112, first paragraph rejections of claims 33, 37, and 47 are moot and respectfully requests the withdrawal of these rejections.

III. Rejection of Claims 29-58 under 35 U.S.C. § 112, Second Paragraph

With respect to the rejection of claims 29-58 under 35 U.S.C. § 112, second paragraph, the Office Action alleges that the recitation in claim 29 (and a similar recitation in claim 42 at line 6) of “a fraction of the elongated elements is turned up around the at least one bead core” is “ambiguous as it is not clear for example, if this requires that this fraction is other than ‘1/1’ and/or that this requires that ‘only’ this fraction is turned up.” Id. at 3. Although Applicant does not necessarily agree with the § 112, second paragraph rejections set forth in the Office Action, Applicant has amended claims 29, 42, and 56 to obviate these rejections and to expedite prosecution and allowance of this application. In view of this, Applicant submits that the § 112, second paragraph rejections of claims 29-58 are moot, and respectfully requests the withdrawal of these rejections.

IV. Claim Rejections under 35 U.S.C. §§ 102 and 103

In order to properly establish that a reference anticipates Applicant’s claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. “To anticipate a claim, the reference must teach every element of the claim.” M.P.E.P. § 2131.

Turning first to the § 102(e) or, “in the alternative,” § 103(a) rejections based on Weissert, the Office Action alleges that Weissert “discloses a tire including a carcass including a plurality of elongated elements disposed in U-shaped conformation defining side portions and a crown portion as well as turn ups around bead cores (e.g.

paragraph [0009]).” Office Action at 5. The Office Action, referring to Figs. 17-21, further alleges that “turning up a fraction of the U-shaped elongated elements [of Weissert] is taught or would have been obvious,” purportedly because “looped ends of the carcass turns are at different radial diameters, this being described as providing the advantage that fewer ends 12A are located at what is described as ‘the bead attachment area 22’ (e.g. paragraph [0060]).” Id.

However, Weissert does not disclose or suggest at least one annular reinforcing structure comprising “a first bead core; and a second bead core, wherein the first bead core is disposed axially internal to the at least one carcass ply, and wherein the second bead core is disposed axially external to the at least one carcass ply,” as recited in claim 29, or “turning up ends of a fraction of the elongated elements around the at least one bead core, wherein turning up ends of the fraction of the elongated elements is preceded by disposing at least one first bead core and at least one second bead core, wherein the at least one first bead core is disposed axially internal to the at least one carcass ply, and wherein the at least one second bead core is disposed axially external to the at least one carcass ply” as recited in claim 42.

With respect to the rejection of independent claims 29 and 42 under 35 U.S.C. § 102(b) based on Christman, the Office Action alleges that Christman discloses “a tire including a carcass, tread, sidewalls and beads where the carcass includes elongated elements in U-shaped conformation with side portions joined by crown portions (e.g. fig. 9) where a fraction of the elongated elements are turned up around the bead cores (note esp. col. 6, lines 7-14 and figs. 11-12).” Office Action at 8.

However, Christman does not disclose or suggest at least one annular reinforcing structure comprising “a first bead core; and a second bead core, wherein the first bead core is disposed axially internal to the at least one carcass ply, and wherein the second bead core is disposed axially external to the at least one carcass ply,” as recited in claim 29, or “turning up ends of a fraction of the elongated elements around the at least one bead core, wherein turning up ends of the fraction of the elongated elements is preceded by disposing at least one first bead core and at least one second bead core, wherein the at least one first bead core is disposed axially internal to the at least one carcass ply, and wherein the at least one second bead core is disposed axially external to the at least one carcass ply” as recited in claim 42.

With respect to the rejection based under § 102(e) based on Auxerre, the Office Action alleges that Auxerre discloses “a tire including a carcass, tread, sidewalls and beads where the carcass includes elongated elements in U-shaped conformation with side portions joined by a crown portion.” Office Action at 9. The Office Action further alleges that “[a]s to a fraction of the elongated elements being turned up around the bead cores, Auxerre suggests (esp. paragraphs [0013] and [0050]) that the carcass parts ‘11’ can be essentially part of the carcass ply ‘10’ disposed in alternating fashion.” Id.

However, Auxerre does not disclose or suggest at least one annular reinforcing structure comprising “a first bead core; and a second bead core, wherein the first bead core is disposed axially internal to the at least one carcass ply, and wherein the second bead core is disposed axially external to the at least one carcass ply,” as recited in claim 29, or “turning up ends of a fraction of the elongated elements around the at least

one bead core, wherein turning up ends of the fraction of the elongated elements is preceded by disposing at least one first bead core and at least one second bead core, wherein the at least one first bead core is disposed axially internal to the at least one carcass ply, and wherein the at least one second bead core is disposed axially external to the at least one carcass ply” as recited in claim 42.

With respect to the rejection of claims 29 and 42 under 35 U.S.C. § 103(a) based on Caretta '043 (assigned to Pirelli Pneumatici S.p.A.) in combination with Weissert and Christman, the Office Action alleges that Caretta '043 “discloses a tire including a carcass, beads, tread and sidewall where the carcass includes elongated strip elements in U-shaped conformation and turned up around the beads.” Office Action at 11. The Office Action further alleges that “[a]s to turning up a fraction of the elements, Christman similarly forms a tire carcass by applying radial strips and further suggests that desirably, only a fraction of the elongated elements are turned up around the bead cores (note esp. col. 6, lines 7-14 and figs. 11-12).” Id. With respect to Weissert, the Office Action alleges that Weissert “discloses forming the carcass where only a part of the carcass ply is turned up around the beads, this being described as providing the advantage that fewer ends 12A are located at what is described as ‘the bead attachment area 22’ (e.g. paragraph [0060]).” Id. Based on these allegations, the Office Action further alleges that “it would have been obvious to only turn up a fraction of the strips [of Caretta '043] leaving the remainder not turned up around the bead.” Id.

However, Caretta '043, either alone or in combination with the above references, does not disclose or suggest at least one annular reinforcing structure comprising “a first bead core; and a second bead core, wherein the first bead core is disposed axially

internal to the at least one carcass ply, and wherein the second bead core is disposed axially external to the at least one carcass ply,” as recited in claim 29, or “turning up ends of a fraction of the elongated elements around the at least one bead core, wherein turning up ends of the fraction of the elongated elements is preceded by disposing at least one first bead core and at least one second bead core, wherein the at least one first bead core is disposed axially internal to the at least one carcass ply, and wherein the at least one second bead core is disposed axially external to the at least one carcass ply” as recited in claim 42.

Therefore, claims 29 and 42 are patentable over Weissert, Christman, Auxerre, and Caretta '043, either alone or in combination. Claims 31-38 and 40-41 depend from independent claim 29, and claims 44-55 and 57-58 depend from independent claim 42, and are therefore patentable for at least the same reasons that independent claims 29 and 42 are patentable. Therefore, Applicant respectfully requests the withdrawal of these rejections.

V. CONCLUSION

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

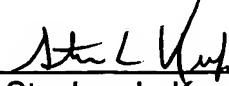
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 1, 2009

By: 
Stephen L. Keefe
Reg. No. 61,100